

Chapter: Rules for State-Operated Programs and Facilities	Effective Date: 10/1/15 Page: 1 of 3 Replaces: GAP.380.9301, 1/17/06
Subchapter: Youth Rights and Remedies	
Rule: Basic Youth Rights	
ACA: 4-JCF-3A-01, 3A-03, 3A-09, 3A-16, 3A-18, 5B-05, 5D-11	
Statutes: Texas Religious Freedom Restoration Act (Texas Civil Practice and Remedies Code Chapter 110) Religious Land Use and Institutionalized Persons Act (42 USC §2000cc et seq.) 28 CFR §115.342	

RULE

(a) Purpose.

This rule establishes certain basic rights that are recognized for each youth in the Texas Juvenile Justice Department (TJJD). The basic rights accorded each TJJD youth are not absolute and may be limited to the extent reasonably necessary for TJJD to discharge its statutory responsibilities with respect to public protection, treatment, care, and supervision.

(b) General Provisions.

Each youth committed to the care and custody of TJJD is accorded certain basic rights. If a youth feels that TJJD has violated one or more of his/her basic rights or in some way has treated him/her unfairly, abusively, or neglectfully, the youth may initiate action to remedy the situation, and staff must assist youth in doing so.

(c) Right to Equal Treatment.

Youth have the right not to be discriminated against because of race, sex, language, national origin, disabilities, sexual orientation, gender identity, religion, or personal opinions.

(d) Right of Free Speech and Expression.

(1) Youth have the right to express themselves freely except when:

- (A) their expressions interfere with the safe and orderly operation of the program; or
- (B) totally free expression would be inappropriate due to the unique vulnerability of youth to improper influences.

(2) Youth who speak languages other than English are allowed to speak those languages at any time, except:

- (A) during classroom discussions, group counseling sessions, and other organized activities unless the youth is limited English proficient and has been approved to use a translator; or
- (B) when a staff member has reasonable cause to believe, based on reliable evidence, that the non-English communication poses a direct threat to the safety of others or to facility security and order.

(e) Right of Religious Freedom.

Youth have the right to participate in religious activities. TJJD may not compel youth to participate in any religious activity.

(f) **Right to Personal Possessions.**

Youth have the right to keep and use personal possessions that do not endanger the safety of staff and youth, disrupt programs and activities, encourage delinquent subcultural values, or appeal to the unique vulnerability of youth to improper influences. Youth may not possess contraband as defined by [§380.9107](#) of this title. TJJD may also limit a youth's personal possessions based on:

- (1) risk to facility safety (e.g., danger to self or others, fire hazards); or
- (2) risk to sanitary living conditions; or
- (3) the youth's progress in the agency's rehabilitation program; or
- (4) the amount of space allotted to each youth. The amount of space provided to each youth is dependent on local issues such as the configuration of the dorm. Excess items are returned to the youth's family.

(g) **Right to Receive Visitors.**

Youth have the right to receive visitors, including but not limited to private in-person communication with parents. See [§380.9312](#) of this title for more information on visitation.

(h) **Right of Access to Mail and Telephone.**

Youth have the right to correspond freely through the mail, subject to certain limitations described in [§380.9315](#). Youth are provided access to telephones to the extent possible within plant limitations, with equal opportunities for telephone use being provided to all residents within a facility. Youth have access to a telephone in the event of an emergency. See [§380.9313](#) of this title for more information on telephone use.

(i) **Right to Earnings and Monetary Gifts.**

TJJD may limit the amount of money in a youth's personal possession but may not withdraw money from a trust fund without the youth's consent.

(j) **Right to Protection from Physical and Psychological Harm.**

Youth have the right to be protected from physical and psychological harm. They have the right to adequate food, clothing, and shelter, and may not be deprived of food or sleep in the interests of treatment or discipline. Youth may not be administered tranquilizers or other drugs in the interest of discipline or order. Purposeless or degrading work is prohibited.

(k) **Right to Medical and Dental Care.**

Youth have the right to basic and necessary medical and dental care, both routine and emergency. See [§380.9183](#) of this title for more information on medical and dental care.

(l) **Right of Access to Attorneys.**

Youth have the right to confer with their attorneys in private, with appropriate restrictions on the time and place of meeting. See [§380.9311](#) of this title for more information on access to attorneys.

(m) **Right to be Informed.**

Youth have the right to be informed of all rights, policies, procedures, and rules affecting them while in the custody of TJJD.

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(n) **Right to Accuracy and Fairness in Decision Making.**

Youth have the right to expect accuracy and fairness in all decisions made concerning them. The degree of procedural protection afforded a youth must be consistent with the requirements of due process of law, including the right to appeal any decision made by staff concerning the youth.

(o) **Right to Confidentiality of Records.**

Youth have the right to expect that their records will not be released to anyone other than those authorized by law to have access to them.

(p) **Right to Express Grievances and Appeal Decisions.**

Youth have the right, without fear of reprisal, to have access to a prompt and fair method of resolving grievances. See [§380.9331](#) of this title for more information on the youth grievance system.
